

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** By **CHAIRMAN VICKI COCCHIARELLA**, on February 22, 2007 at 8:00 A.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Vicki Cocchiarella, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Roy Brown (R)  
Sen. John Esp (R)  
Sen. Verdell Jackson (R)  
Sen. Lane L. Larson (D)  
Sen. Don Ryan (D)  
Sen. Frank Smith (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Claudia Johnson, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 519, 2/19/2007; SB 490,  
2/15/2007; SB 540, 2/19/2007; SB  
495, 2/15/2007  
Executive Action: SB 490, SB 495, SB 519, SB 540, SB  
474, SB 467, SB 489

00:00:15 Chairwoman Cocchiarella

**HEARING ON SB 519**

**Opening Statement by Sponsor:**

00:00:44 **SEN. JOHN ESP (R), SD 31**, opened the hearing on **SB 519**,  
Revise state health insurance benefits.

**Proponents:**

00:02:38 Frank Cote, America's Health Insurance Plans (AHIP)

**Opponents:**

00:03:44 Connie Welsh, Health Care and Benefits Division,  
Department of Administration (D of A)

**EXHIBIT (bus40a01)**

00:14:54 Tom Bilodeau, Montana Education Association, and  
Montana Federation of Teachers (MEA-MFT)

00:19:11 Tom Schneider, Montana Public Employees Association  
(MPEA)

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:21:19 Sen. Jackson to Sen. Esp

00:23:23 Sen. Tropila to Tom Schneider, MPEA

00:24:30 Sen. Tropila to Franke Cote, AHIP

00:25:39 Sen. Tropila to Connie Welsh, D of A

00:25:58 Sen. Cocchiarella to Tom Schneider, MPEA

**Closing by Sponsor:**

00:27:22 Sen. Esp

**HEARING ON SB 490**

**Opening Statement by Sponsor:**

00:28:27 **SEN. LYNDIA MOSS (D), SD 26**, opened the hearing on **SB 490**, Expand employee drug testing.

**Proponents:**

00:29:53 Cori Cook, Vice President, Employee Benefit Management Services, Inc. (EBMS)

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:37:51 Sen. Larson to Cori Cook, EBMS  
00:39:03 Sen. Squires to Sen. Cocchiarella  
00:39:32 Sen. Squires to Cori Cook, EBMS  
00:39:56 Sen. Squires to Pat Murdo, LSD  
00:40:58 Sen. Larson to Cori Cook, EBMS  
00:41:54 Sen. Cocchiarella to Sen. Squires  
00:44:10 Sen. Jackson to Cori Cook, EBMS  
00:45:44 Sen. Cocchiarella to Cori Cook, EBMS  
00:48:17 Sen. Cocchiarella to Cori Cook, EBMS  
00:49:30 Sen. Larson to Cori Cook, EBMS  
00:49:47 Sen. Cocchiarella to Cori Cook, EBMS

**Closing by Sponsor:**

00:51:00 Sen. Lyndia Moss

**HEARING ON SB 540**

**Opening Statement by Sponsor:**

00:52:36 **SEN. VERDELL JACKSON (R), SD 5**, opened the hearing on **SB 540**, Revise law on sale of gambling equipment.

**EXHIBIT**(bus40a02)

**Proponents:**

01:01:28 Gene Huntington, Administrator, Gambling Control Division, Department of Justice (DOJ)

**EXHIBIT**(bus40a03)

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:08:26 Sen. Cocchiarella to Gene Huntington, DOJ

01:11:08 Sen. Jackson to Gene Huntington, DOJ

01:13:13 Sen. Squires to Gene Huntington, DOJ

01:14:17 Sen. Cocchiarella to Gene Huntington, DOJ

01:15:32 Sen. Smith to Gene Huntington, DOJ

**Closing by Sponsor:**

01:15:39 Sen. Jackson

**HEARING ON SB 495**

**Opening Statement by Sponsor:**

01:16:30 **SEN. FRANK SMITH (D), SD 16**, opened the hearing on **SB 495**, Revise law on malt beverages.

**Proponents:** None.

**Opponents:**

01:18:19 Kristi Blazer, Montana Beer and Wine Distributors' Association

01:24:13 Trevor McDonald, Sandy Mac's Distributing, LLP

**EXHIBIT (bus40a04)**

01:30:45 Brian Smith, Montana State Brewers' Association

01:32:32 Mac Pigman, Lewis and Clark Brewing Company

01:34:58 Mark Taylor, Anheuser Busch Companies

**EXHIBIT (bus40a05)**

**EXHIBIT (bus40a06)**

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:36:20 Sen. Squires to Mark Taylor, Anheuser Busch Companies

**Closing by Sponsor:**

01:36:50 Sen. Smith

01:39:26 Break

01:54:26 Back from Break

**EXECUTIVE ACTION ON SB 490**

01:54:54 **Motion:** SEN. BROWN moved that SB 490 DO PASS.

**Discussion:**

01:55:07 Sen. Larson

01:55:30 Sen. Jackson

01:56:11 Sen. Squires

01:57:39 **Vote:** Motion that SB 490 DO PASS carried 7-4 by roll call vote with SEN. COCCHIARELLA, SEN. RYAN, SEN. SQUIRES, and SEN. TROPILA voting no.

**EXECUTIVE ACTION ON SB 495**

01:58:32 **Motion:** SEN. SMITH moved that SB 495 DO PASS.

**Discussion:**

01:59:35 Sen. Ryan

02:01:27 Sen. Brown

02:02:23 Sen. Smith

02:02:30 **Motion/Vote:** SEN. SQUIRES moved that SB 495 BE TABLED. Motion carried unanimously by voice vote. SEN. ESP voted by proxy.

**EXECUTIVE ACTION ON SB 519**

02:02:59 **Motion:** SEN. BROWN moved that SB 519 DO PASS.

**Discussion:**

02:04:58 Sen. Jackson

02:05:54 Sen. Cocchiarella to Sen. Ryan

02:09:19 Sen. Balyeat to Sen. Cocchiarella

02:12:27 Sen. Ryan to Sen. Cocchiarella

02:13:21 **Motion/Vote:** SEN. BROWN moved that a CONCEPTUAL AMENDMENT BE ADOPTED. Motion carried 6-5 by voice vote with SEN. COCCHIARELLA, SEN. LARSON, SEN. RYAN, SEN. SQUIRES, and SEN. TROPILA voting no. SEN. ESP voted by proxy.

02:14:18 **Motion:** SEN. BROWN moved that SB 519 DO PASS AS AMENDED.

**Discussion:**

02:14:35 **Motion/Vote:** SEN. RYAN moved that SB 519 BE TABLED. Motion failed 5-6 by roll call vote with SEN. COCCHIARELLA, SEN. LARSON, SEN. RYAN, SEN. SQUIRES, and SEN. TROPILA voting aye. SEN. ESP voted by proxy.

**Discussion:**

02:16:03 Sen. Cocchiarella

02:19:00 Sen. Esp

02:20:57 Sen. Cocchiarella

02:21:05 Sen. Jackson

02:21:56 Sen. Esp

02:23:03 Sen. Brown

02:24:04 Sen. Ryan

02:25:36 Sen. Cocchiarella

02:27:26 Sen. Esp

02:29:39 Sen. Cocchiarella

02:30:07 Sen. Squires

02:31:12 **Vote:** Motion that SB 519 DO PASS AS AMENDED carried 6-5 by roll call vote with SEN. BALYEAT, SEN. BROWN, SEN. ESP, SEN. JACKSON, SEN. SMITH, and SEN. STEINBEISSER voting no. SEN. ESP voted by proxy.

SB 519 was held in Committee. See motion to reconsider SB 519 in the February 23 Minutes.

**EXECUTIVE ACTION ON SB 540**

02:32:34 **Motion:** SEN. JACKSON moved that SB 540 DO PASS.

**Discussion:**

02:32:54 **Motion/Vote:** SEN. JACKSON moved that AMENDMENT SB054001.AGP BE ADOPTED. Motion carried unanimously by voice vote. SEN. ESP voted by proxy.

**Discussion:**

02:33:58 Sen. Larson

02:36:32 Sen. Balyeat

02:38:12 Sen. Squires

02:39:37 **Motion:** SEN. COCCHIARELLA moved that a CONCEPTUAL AMENDMENT TO SB 540 BE ADOPTED.

**Discussion:**

02:40:32 Sen. Balyeat to Sen. Cocchiarella

02:40:55 Sen. Esp to Sen. Cocchiarella

02:41:08 Pat Murdo, LSD

02:41:49 Sen. Brown

02:42:34 Sen. Balyeat

02:43:13 Sen. Cocchiarella

02:43:36 Sen. Jackson

02:46:20 **Vote:** Motion that the CONCEPTUAL AMENDMENT BE ADOPTED failed 5-6 by voice vote with SEN. COCCHIARELLA, SEN. LARSON, SEN. RYAN, SEN. SMITH and SEN. SQUIRES voting aye. SEN. ESP voted by proxy.

02:46:57 **Vote:** Motion that SB 540 DO PASS AS AMENDED carried 8-3 by voice vote with SEN. ESP, SEN. LARSON, and SEN. SQUIRES voting no. SEN. ESP voted by proxy.

**EXECUTIVE ACTION ON SB 474**

02:48:51 **Motion:** SEN. COCCHIARELLA moved that SB 474 BE TABLED.

**Discussion:**

02:49:11 **Motion/Vote:** SEN. SQUIRES CALLED THE QUESTION ON SB 474 BE TABLED. Motion carried 7-4 by roll call vote with SEN. BALYEAT, SEN. JACKSON, SEN. RYAN, and SEN. STEINBEISSER voting no. SEN. ESP voted by proxy.



**EXECUTIVE ACTION ON SB 467**

02:51:18 **Motion:** SEN. COCCHIARELLA moved that SB 467 DO PASS.

**Discussion:**

02:51:20 Sen. Cocchiarella

02:54:23 Sen. Brown to Sen. Cocchiarella

02:55:35 Sen. Cocchiarella

02:55:57 Sen. Squires

02:58:17 Sen. Balyeat to Sen. Cocchiarella

03:01:17 **Motion:** SEN. COCCHIARELLA moved that a CONCEPTUAL AMENDMENT BE ADOPTED to SB 467.

**Discussion:**

03:01:35 Sen. Squires

03:02:56 Sen. Steinbeisser

03:03:31 Sen. Jackson

03:05:02 **Sen. Cocchiarella withdrew her motion on SB 467 and amendment.**

**Discussion:**

03:06:17 Sen. Esp

03:06:28 Sen. Balyeat

03:07:36 Sen. Tropila

03:08:19 Sen. Squires

03:08:48 Sen. Smith

**EXECUTIVE ACTION ON SB 468**

03:09:32 **Motion/Vote:** SEN. COCCHIARELLA moved that SB 468 BE TABLED. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 489**

03:10:24 **Motion:** SEN. COCCHIARELLA moved that SB 489 DO PASS,  
and moved that AMENDMENT SB048901.APM BE ADOPTED.

**EXHIBIT** (bus40a07)

**Discussion:**

03:10:48 Sen. Cocchiarella

03:11:24 Sen. Cocchiarella to Pat Murdo, LSD

03:12:12 Sen. Balyeat to Sen. Cocchiarella

03:13:16 **Sen. Cocchiarella withdrew her motion on SB 489 and  
amendment.**

**Discussion:**

03:15:26 Sen. Balyeat to Sen. Cocchiarella

**ADJOURNMENT**

Adjournment: 11:20 A.M.

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SEN. VICKI COCCHIARELLA, Chairman

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CLAUDIA JOHNSON, Secretary

VC/cj

Additional Exhibits:

**EXHIBIT ([bus40aad.pdf](#))**